

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Greenbelt Division)**

CATHERINE E. BAPTISTE,

Plaintiff,

V.

FIA CARD SERVICES, N.A., ET AL.,

Defendants.

Case No. _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441 et seq. and 28 U.S.C. §1331, and Local Rule 103.5

Defendant FIA Card Services, N.A., and Defendant Bank of America, N.A., (collectively "Defendants"), hereby gives notice of the removal of this action titled *Catherine E. Baptiste v. FIA Card Services, N.A., et al*, Case No. 050200026442013 from the District Court of Prince George's County, Maryland (the "State Court Action") to the United States District Court for Maryland, Greenbelt Division whose district and division embrace the judicial circuit where this cause was initially filed. In support of its Notice of Removal, Defendants state as follows:

1. This action is a civil action within the meaning of the Acts of Congress relating to the removal of cases.
2. Plaintiff initiated the State Court Action on January 25, 2013, with the filing of a Complaint in the District Court for Prince George's County, Maryland. In its Complaint, Plaintiff seeks statutory and other equitable relief in the amount of \$30,000 based on alleged violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 (Count I), and Maryland

Consumer Debt Collection Act, Md. Code, COM. LAW. § 14-202, et seq. (Count II). *See* Complaint, attached as Exhibit A.

3. On February 8, Defendants Bank of America, N.A. and FIA Card Services, N.A. each received a copy of the Summons and the Complaint served on their respective registered agents in Maryland and Delaware respectively.

4. This Notice of Removal is timely filed within thirty days of the date on which Defendant was served with the Summons and Complaint. *See* 28 U.S.C. §1444(b); Fed. R. Civ. P. 6(a).

5. The above-entitled action is a civil suit for damages and arises under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*, (Count I) in that Plaintiff alleges that Defendants used false, deceptive, and/or misleading representations in connection with the collection of a debt, as more fully appears in the copy of the Complaint, which is attached as Exhibit A.

6. Removal is proper because this matter is a civil action over which this Court has federal subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and which is removable to this Court pursuant to 28 U.S.C. § 1441.

7. This Court also has supplemental jurisdiction over any pendent state law claims under 28 U.S.C. § 1367(a) because all such claims are so related to Plaintiff's federal statutory claims that they form part of the same case or controversy. Therefore, this civil action may be removed to this Court pursuant to 28 U.S.C. § 1441(a) and (b).

8. Removal of this action is proper under 28 U.S.C. § 1446 because:

- (a) this Notice of Removal is being filed within one (1) year of January 25, 2013, the date of commencement of the action for removal purposes;

(b) Defendants have not previously sought similar relief; and
a copy of all process, pleadings, and orders served upon Defendants is attached as Exhibit A.

9. A true and correct copy of this Notice of Removal will be served upon all parties of this action and the District Court for Prince George's County, Maryland promptly after the filing of this Notice, in accordance with the certificate set forth below and with the requirements of law. The clerk of the aforesaid State Court shall effect the removal and the State Court shall proceed no further unless the case is remanded, as provided by law.

10. Venue for removal of this action to this Court is proper because the action is being removed from the District Court for Prince George's County, Maryland which lies within the United States District Court for the Northern District of Maryland.

11. This action is not a non-removable action as described in 28 U.S.C. § 1445.

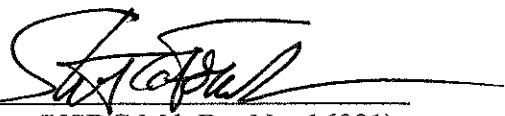
12. By filing this Notice of Removal, Defendants do not waive any jurisdictional objection or any other defenses that are or may be available to it.

13. Defendants reserve the right to amend or supplement this Notice of Removal.

WHEREFORE, Defendant FIA Card Services, N.A., and incorrectly named as a Defendant Bank of America, N.A., request that the above-titled State Court Action, now pending in the District Court for Prince George's County, Maryland, bearing Case Number 050200026442013, be removed to the United States District Court for Maryland, Greenbelt Division.

February 22, 2013

Respectfully submitted,

By: / S / 
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CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2013, that a true and correct copy of the foregoing was served by first-class mail to:

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